

# United States Court of Appeals For the First Circuit

No. 09-2442

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# 172

VICKY RODRÍGUEZ-TORRES, ET AL.,

Plaintiffs, Appellants,

v.

GOVERNMENT DEVELOPMENT BANK OF PR,

Defendant, Appellee,

JAVIER RAMOS-LUINA, ET AL.,

Defendants.

No. 10-1065

VICKY RODRÍGUEZ-TORRES, ET AL.,

Plaintiffs, Appellants,

v.

GOVERNMENT DEVELOPMENT BANK OF PR,

Defendant, Appellee,

GUILLERMO CAMBA-CASAS,

Defendant.

Before

Lynch, Chief Judge,  
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: June 10, 2010

09-1151 (JP)

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U.S. COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
SAN JUAN, P.R.

We have carefully considered the parties' submissions in these two interlocutory appeals. We find both appeals appropriate for summary disposition pursuant to 1st Cir. R. 27.0(c), and address them together.

We first address plaintiffs' challenges to the summary denial of their preliminary injunction motion in the employment discrimination case, and to the summary denial of their preliminary injunction motion in the employment retaliation case. While plaintiffs are correct that Fed. R. Civ. P. 52(a)(2) requires district courts to make specific findings of fact and conclusions of law in denying injunctive relief, the errors were harmless here because plaintiffs' preliminary injunction motions were both inadequate on their face, particularly because plaintiffs failed to allege any irreparable harm. See TEC Engineering Corp. v. Budget Molders Supply, Inc., 82 F.3d 542, 545 (1st Cir. 1996) (explaining that absence of Rule 52(a) findings and conclusions is not fatal "if our own review of the record substantially eliminates all reasonable doubt as to the basis of the district court's decision"). Accordingly, we affirm the district court orders in each case denying the requested preliminary injunctive relief, which are the 8/28/09 order in the discrimination case, part of Appeal No. 09-2442, and the 1/7/10 order in the retaliation case, the basis for Appeal No. 10-1065.

Plaintiffs also attempt to appeal from a 9/21/09 discovery order in the discrimination case. That order is not subject to interlocutory review. See In re Insurers Syndicate for Joint Underwriting of Medico-Hospital Prof'l Liab. Ins., 864 F.2d 208, 210-12 (1st Cir. 1988) (noting that garden-variety discovery order is not immediately appealable). Accordingly, we dismiss for lack of jurisdiction that part of Appeal No. 09-2442 that seeks to challenge the 9/21/09 order.

The defendant's motions for sanctions in each appeal are denied.

The defendant's motions to supplement the record in each appeal are denied.

By the Court:  
/s/ Margaret Carter, Clerk.

cc:  
Miguel Cuadros-Pesquera  
Olga Benitez-Quinones  
Erika Berios-Berios  
Frances Colon-Rivera  
William Melendez-Mendez  
Mariela Rexach